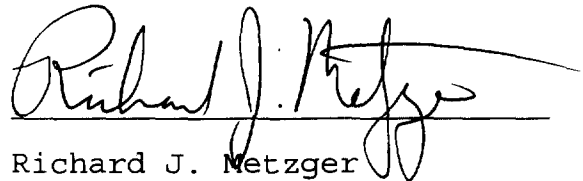


**CONCLUSION**

Six months ago when the Commission denied BellSouth's first application to provide interLATA service in Louisiana, Chairman Kennard commented: "In an open market, customers must be able to exercise choice." It is clear that in Louisiana a significant number of consumers still lack a choice for their local telecommunications services. Until BellSouth has shown that its OSS systems work well and in a non-discriminatory manner in a truly competitive environment, that easy and timely collocation is a reality, and that a significant number of consumers are able to exercise choice, BellSouth should not even be considered for section 271 authority in Louisiana. For the foregoing reasons, ALTS requests that BellSouth's second application for in-region InterLATA authority in Louisiana be denied.

Respectfully submitted,



Richard J. Metzger  
Emily M. Williams  
Association for Local  
Telecommunications Services  
888 17th Street, NW, Suite 900  
Washington, D.C. 20006  
(202) 969-2583

August 4, 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Application of BellSouth Corporation	)	
To Provide In-Region, InterLATA	)	Docket No. _____
Long Distance Services Under Section	)	
271 of the Telecommunications Act of 1996	)	

**AFFIDAVIT OF CHRISTOPHER J. ROZYCKI  
ON BEHALF OF ITC^DELTA COM**

I, Christopher J. Rozycki, being of lawful age and duly sworn upon my oath, depose and state:

1. My name is Christopher J. Rozycki. I am the Director – Regulatory Affairs for ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom ("ITC^DeltaCom"). My business address is 700 Boulevard South, Suite 101, Huntsville, Alabama 35802.
2. I have 25 years of experience in telecommunications and other regulated industries. Before joining ITC^DeltaCom in March 1998, I was employed by Hyperion Telecommunications, Inc. as Director of Regulatory Affairs. I directed all aspects of Hyperion's regulatory activity in twelve states and before the FCC. This included filing for CLEC certification in these states, and creating and/or amending over 40 state and federal tariffs for local, access, long distance, and dedicated services. I coordinated filings before the FCC and state commissions, including: Virginia, Pennsylvania, New York, New Jersey, Vermont, Tennessee, Louisiana, and South Carolina. Additionally, I have testified before the Vermont, New York and Mississippi state regulatory commissions. Between 1983 and 1997, I was employed by AT&T. During my tenure there I held positions in Treasury/Finance (regulatory), Law & Government Affairs (docket management), Access Management (access-price negotiations), and Network Services Division (cost analysis of local infrastructure). While in Access Management, I testified before the Pennsylvania Public Utility Commission and the Delaware Public Service Commission on subjects like LEC-access pricing and regulation. Before joining AT&T, I was a consumer advocate in Fairfax County, Virginia. Between 1982 and 1983, I represented county ratepayers in electric, gas, and telephone rate cases. I testified before the Virginia State Corporation Commission on several occasions, generally on the subject of

rate of return. As a partner in an energy and regulatory consulting firm from 1979 to 1982, my responsibilities included all of the firm's regulatory work for the Department of Energy. Early in my career I was employed as an economist for two public-utility consulting firms that specialized in utility rate-case work on behalf of consumer advocates and state commissions and as an economist for the US Department of Energy, where I evaluated the impact of energy-conservation regulations. I hold a master's degree in Economics from George Mason University and a bachelor's degree in Economics from Georgetown University.

3. ITC^DeltaCom obtained authority from the Louisiana Public Service Commission to provide competitive local exchange services on August 21, 1997.<sup>1</sup>
4. The purpose of my Affidavit is to describe to the Federal Communications Commission (the "FCC") how BellSouth Telecommunications, Inc. ("BellSouth"), has failed to provide nondiscriminatory access to its Operational Support Systems ("OSS").

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<sup>1</sup> NOTE: The following summarizes corrections to the affidavit of Mr. Gary Wright submitted by BellSouth Telecommunications, Inc.

138. ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom ("ITC^DeltaCom") is owned by Interstate FiberNet, Inc., which is owned by ITC^DeltaCom Inc., and is headquartered in West Point, Georgia. ... ITC^DeltaCom also offers Internet connectivity service, connecting businesses to the Internet over its high-performance ATM and frame relay network. ITC^DeltaCom is not affiliated with MindSpring Enterprises, Inc.
139. The companies mentioned here, PowerTel and Knology Holdings, Inc. are not affiliated with ITC^DeltaCom. In late 1997, ITC Holding Company effected a corporate reorganization in which ITC^DeltaCom, Inc. and its subsidiaries were structurally separated from the rest of ITC Holding Company's businesses. Prior to the reorganization, all of the ITC Holding Company businesses (including ITC^DeltaCom) were owned by the same common parent - ITC Holding Company. This information is publicly available through ITC^DeltaCom, Inc.'s filings with the Securities and Exchange Commission.
140. MindSpring is not affiliated with ITC^DeltaCom.
141. BellSouth failed to mention (maybe they don't know) that ITC^DeltaCom has local customers in six states (AL, FL, GA, LA, NC, and SC).

**I. BellSouth's Failure to Provide  
Non-Discriminatory Access to OSS**

5. BellSouth continues to fail to provide competitive local exchange carriers ("CLEC's") nondiscriminatory access to its OSS. The end result is that ITC^DeltaCom is unable to provision alternative local service in the same time and manner as BellSouth provides to its retail end users.

**Electronic Data Interchange**

6. First, BellSouth's application relies upon Electronic Data Interchange ("EDI") to satisfy its requirement to provide an interface that accepts local service orders from CLECs. ITC^DeltaCom is in the process of developing and testing a customized version of EDI. Because of discrepancies in BellSouth's documentation, ITC^DeltaCom has experienced delays in the development of this version of EDI.

7. Second, BellSouth has introduced several new versions of EDI software but has stated that it will not continue to support the previous version. CLECs have 90 days to completely convert to the new version of EDI and for a small CLEC the constant conversions absorb manpower and resources. ITC^DeltaCom recommends that BellSouth be required to at least support the last version of EDI in addition to any new release.

8. Interestingly, ITC^DeltaCom has not observed any efficiencies gained by placing an order via EDI as opposed to faxing the order to the LCSC. Generally, an order submitted to BellSouth via EDI takes one to two days longer than a faxed order. Consequently, ITC^DeltaCom concludes that EDI is not fully automated. Regionwide, ITC^DeltaCom's orders are provisioned within six to eight days of the date the order was submitted to BellSouth.

9. Third, BellSouth has argued that high percentages of CLEC orders do not flow through in a timely manner due to CLEC errors. ITC^DeltaCom performed an analysis of the orders submitted to BellSouth. The results revealed that ITC^DeltaCom received error rejection notices from BellSouth in 16% percent of the orders submitted during the time frame of March to May 1998. A majority of these errors appear to be generated by problems in the current BellSouth ordering system. For instance, USOC codes change almost daily, and it is difficult for a small CLEC to keep pace with these changes. Other problems include address validation, directory listings, and improper Q accounts.

**Pre-ordering**

10. ITC^DeltaCom has been unable to obtain access to BellSouth's OSS such that the customer service record can be electronically transferred or "parsed" into

ITC^DeltaCom's OSS. Currently, ITC^DeltaCom must either "cut and paste" as proposed by BellSouth or re-key the customer service record into its systems.

11. Further, the customer service record is not updated to reflect the customer's conversion of service to ITC^DeltaCom in a timely manner. ITC^DeltaCom has observed that the customer service record is generally updated within five days after the customer's service has been converted. Frequently, the customer service record is incorrectly updated with the wrong customer information. The customer service record was incorrectly updated in 26% of the orders provisioned. In other words, the customer service record did not accurately reflect the services that the customer received. ITC^DeltaCom believes that this again indicates that BellSouth's OSS is not fully automated.

### **Ordering**

12. In too many cases, ITC^DeltaCom has lost customers back to BellSouth because BellSouth has failed to provide the same provisioning intervals to CLECs as it does to its retail customers. In one particular case, ITC^DeltaCom lost a local account back to BellSouth because the customer wanted to add 3 way calling/call transfer to their account and needed this feature as soon as possible. While the customer subscribed to ITC^DeltaCom, BellSouth missed the first conversion date and then committed to add the features, but refused to guarantee that the features would be added in less than 5 days. ITC^DeltaCom then informed its customer that it could not guarantee a less than 5 day interval to add the feature to the customer's line. However, when the customer called BellSouth directly, the customer was instructed that if the customer converted back to BellSouth, the customer could obtain these features in less than 48 hours. Because of this, the customer cancelled his local order with ITC^DeltaCom and returned back to BellSouth.

13. This disparity in treatment between orders submitted by a CLEC and those orders provisioned by BellSouth to its end users ensures that CLEC's cannot enter the local market on equal footing with BellSouth.

### **Order Status Notices**


14. ITC^DeltaCom does not always receive the Firm Order Confirmation ("FOC") within 48 hours of submitting the order to BellSouth. An FOC supplies the due date of the customer's conversion to ITC^DeltaCom. Absent an order jeopardy notice, ITC^DeltaCom is supposed to rely on the FOC due date and provide that date to its customer as the date that service begins. ITC^DeltaCom receives an FOC within 48 hours in approximately 54% of the orders submitted via facsimile. However, ITC^DeltaCom receives an FOC within 48 hours in only 35% of those orders submitted via EDI. Again, faxing the order to BellSouth appears to be more efficient than submitting the order via EDI.

15. In addition, the due date supplied by the FOC was not met in 25% of the orders submitted to BellSouth. On the other hand, if BellSouth converts the customer's service prior to the FOC due date without notifying ITC^DeltaCom, the early conversion creates problems with reporting service outage problems and creates billing discrepancies. For proper billing and customer service support, ITC^DeltaCom must be able to rely on the FOC due date. ITC^DeltaCom cannot rely on the FOC due date when 25% of the orders submitted to BellSouth are not converted on that date.

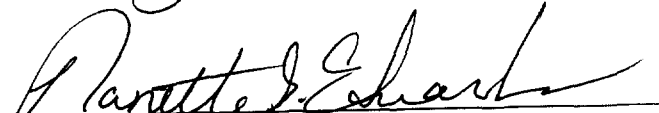
16. Finally, ITC^DeltaCom does not receive disconnect notices from BellSouth on a consistent basis. A disconnect notice informs ITC^DeltaCom that the customer has either returned to BellSouth or selected another CLEC. Without a disconnect notice, ITC^DeltaCom cannot determine the date of the customer's conversion to BellSouth or another CLEC; thus, the customer continues to receive billing notices. Recently, ITC^DeltaCom learned at a workshop in Alabama that a disconnect report is available electronically and that paper notices were being used; however, when ITC^DeltaCom requested the report from its Account team, the Account team was unaware of such report. After continued efforts and a new Account team, ITC^DeltaCom should begin receiving this report in September/October. Again it is noteworthy that information is not being disseminated to CLECs in a consistent and reliable manner.

## **II. Conclusion**

17. While ITC^DeltaCom continues to experience problems in other states, this Affidavit focuses on the problems ITC^DeltaCom has faced in every state, including Louisiana. CLEC resale orders are not being processed by BellSouth at parity with those orders processed for its retail end users. In order to compete effectively against BellSouth, CLECs must be afforded an opportunity to access BellSouth's OSS in a non-discriminatory manner or competition in the local market will not develop.

  
Christopher J. Rozycki  
Director - Regulatory Affairs  
ITC^DeltaCom

Subscribed and sworn to before me this 3<sup>rd</sup>  
Day of August, 1998.

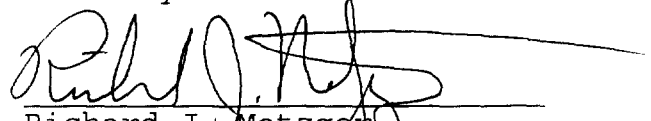
  
NOTARY PUBLIC

ALABAMA AT LARGE  
My commission expires:

2-15-2000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Comments of the Association for Local Telecommunications Services were served August 4, 1998, on the following persons by first-class mail or hand service, as indicted.

  
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